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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

HAROLD GILLMAN, R.Ph.,  
RESPONDENT.

:  
:  
:  
:  
:

FINAL DECISION  
AND ORDER

The parties to this action for the purposes of Wis. Stats. sec. 227.53  
are:

Harold Gillman, R.Ph.  
5935 Lincoln, Apt. #302  
Morton Grove, IL 60053

Pharmacy Examining Board  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

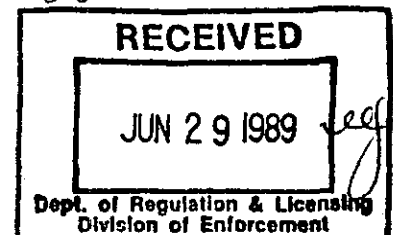
Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the  
attached Stipulation as the final disposition of this matter, subject to the  
approval of the Board. The Board has reviewed this Stipulation and considers  
it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and  
makes the following:

FINDINGS OF FACT

1. Harold Gillman, R.Ph. DOB July 6, 1924, (hereinafter referred to as  
"Respondent"), is and was at all times relevant to this matter duly licensed  
to practice as a registered pharmacist in the State of Wisconsin, license  
number 7218, granted on January 25, 1963.
2. Respondent's address currently on record with the Pharmacy Examining  
Board is 5935 Lincoln, Apt 302, Morton Grove, Illinois 60053.
3. On or about April 7, 1986, in the United States District Court,  
Northern District of Illinois, Eastern Division, in criminal case number  
84 CR 129-2, upon a plea of guilty pursuant to a Plea Agreement, Respondent  
was found guilty and convicted on two felony counts consisting of: "unlawfully  
and knowingly did combine, conspire and agree with others to engage in



activity which consisted of multiple acts of unlawful distribution and attempted distribution of controlled substances in violation of Title 21 USC 841 and 846; multiple acts of mail fraud in violation of Title 18 USC 1341." A copy of said Judgment and Probation/Commitment Order is attached hereto as Exhibit A.

4. On April 7, 1986, upon the aforesaid convictions, Respondent was sentenced to imprisonment for a period of one year and one day upon one count, and imposition of sentence on the other count was suspended and Respondent was placed on probation for a period of three years, to run consecutive to the term of imprisonment.

5. Pursuant to the Judgment and Probation/Commitment Order, Respondent voluntarily surrendered to the Oxford Federal Correctional Center on June 10, 1986. Respondent was released from the Correctional Center on December 12, 1986 and entered a halfway house, from which he was released on February 27, 1987, after having served only eight and one-half months under the sentence of one year and one day.

6. On May 5, 1988, Judge John F. Grady of the United States District Court, Northern District of Illinois, Eastern Division, granted Respondent's motion for early termination of probation, after Respondent had served only fourteen months of the three-year period of probation.

7. On or about August 4, 1986, the State of Illinois Department of Registration and Education, by Consent Order, indefinitely suspended the license of Respondent to practice pharmacy in the State of Illinois. Such action was based upon the aforesaid Plea Agreement, guilty plea, and criminal convictions. A copy of the Consent Order of the State of Illinois Department of Registration and Education is attached hereto as Exhibit B. Respondent's Illinois license to practice pharmacy remains at this time indefinitely suspended; however, Respondent is at this time pursuing reinstatement of his Illinois license to practice pharmacy.

8. Respondent has provided evidence that he has continued to obtain continuing education in the area of pharmacy from the time of the suspension of his Illinois license to practice pharmacy up to the present.

9. Respondent represents that he has not ever practiced pharmacy in the State of Wisconsin, that he is nearing retirement age, that he suffers some physical infirmity, and that he does not intend at this time to practice pharmacy in the State of Wisconsin. In consideration of these facts and resolution of this matter, Respondent chooses not to contest this matter and allows these Findings of Fact, Conclusion of Law, and Order to be made and entered, has tendered the voluntary surrender of his license to practice pharmacy in the State of Wisconsin, and has agreed not to apply again for licensure in the State of Wisconsin until he has obtained reinstatement of his license to practice pharmacy in the State of Illinois and at least three years have elapsed following such reinstatement during which time Respondent has practiced pharmacy on at least a part-time basis.

### CONCLUSIONS OF LAW

1. The Pharmacy Examining Board has jurisdiction to take action in this matter pursuant to Chapter 450, Wis. Stats., and to enter into this Stipulation and Order under sec. 227.44(5), Wis. Stats.

2. The criminal convictions described in the Findings of Facts are crimes the circumstances of which substantially relate to the practice of pharmacy, and constitute unprofessional conduct and subject Respondent to disciplinary action against his license to practice pharmacy in the State of Wisconsin pursuant to sec. 450.10(b)(1) and (3), Wis. Stats., and sec. PHAR 10.03(2), Wis. Adm. Code.

3. The indefinite suspension of Respondent's license to practice pharmacy in the State of Illinois as recited in the Findings of Facts, constitutes having a pharmacist license revoked or suspended in another state or United States jurisdiction under sec. PHAR 10.03(21), Wis. Adm. Code, and is unprofessional conduct and subjects the Respondent to disciplinary action against his license to practice pharmacy in the State of Wisconsin pursuant to sec. 450.10(1)(b)1., Wis. Stats.

Therefore, it is hereby ORDERED:

1. The attached Stipulation is hereby accepted.

2. In lieu of other discipline, the VOLUNTARY SURRENDER by Harold Gillman of his license to practice pharmacy in the State of Wisconsin, effective 30 days following the date of this order is hereby accepted.

3. Respondent shall not apply again for licensure to practice pharmacy in the State of Wisconsin until he has obtained reinstatement of his license to practice pharmacy in the State of Illinois and at least three years have elapsed following such reinstatement during which time Respondent shall have practiced pharmacy at least 2,000 hours, comprised of a minimum of 500 hours in each of the three years preceding application.

4. Harold Gillman shall deliver his original certificate of licensure to practice pharmacy in the State of Wisconsin to the Pharmacy Examining Board at 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935, by not later than 30 days following the date of this order.

5. If Respondent applies again for licensure to practice pharmacy in the State of Wisconsin after fulfilling the conditions of the preceding paragraph 3, the Board in its discretion may require one or more examinations specified in Chs. 2 and 3, Wis. Adm. Code, and may impose other additional conditions for application or licensure which it deems appropriate in the circumstances.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

STATE OF WISCONSIN PHARMACY EXAMINING BOARD

By:

W.R. Shaw  
A Member of the Board

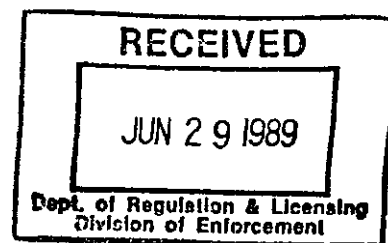
7/11/89  
Date

I, Harold Gillman, R.Ph., Respondent, have read and understand the terms of the foregoing Final Decision and Order, and pursuant to the attached Stipulation, hereby consent to the entry of the foregoing Final Decision and Order.

Harold Gillman  
Harold Gillman, Respondent

June 27, 1989  
Date

RTG:skv  
DOEATTY-751



HAROLD GILMAN

DOCKET NO. 84 CR 129-2

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR  
04 07 86

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☐ WITH COUNSEL

(Name of counsel)

☐ GUILTY, and the court being satisfied that there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☐ NOT GUILTY

There being a finding/verdict of ☐ NOT GUILTY. Defendant is discharged.  
☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of unlawfully and knowingly did combine, conspire and agree with others to engage in activity which consisted of multiple acts of unlawful distribution and attempted distribution of controlled substances in violation of Title 21 USC 841 and 846; multiple acts of mail fraud in violation of Title 18 USC 1341.

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of ONE YEAR AND ONE DAY on count 2 of the Indictment. Imposition of sentence on count 66 of the indictment is hereby suspended and the defendant placed on probation for a period of THREE years. Such period of probation to be consecutive to the term of imprisonment imposed on count 2 and on condition that he comply with the general conditions of probation.

The execution of sentence is stayed until June 10, 1986 at which time the defendant is to surrender himself to the designated institution before 12:00 noon that day.

It is further ordered that all pending counts or charges against this defendant are dismissed.

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or with in a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

EXHIBIT A

JOHN F. GRADY

APRIL 7, 1986

RECEIVED  
JUN 29 1987

Dept. of Acquisition & Financing  
Division of Economic Control

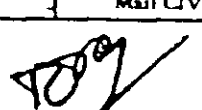
## UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Name of Assigned Judge	John F. Grady	Sitting Judge if Other Than Assigned Judge	
Case Number	84 CR 129-2	Date	May 4, 1988 - 2:00 P.M.
Case Title	USA v. Harold Gillman		

MOTION: (In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3d-party plaintiff, and (b) state briefly the nature of the motion being presented.)

a) Defendant
b) Motion For Early Termination Of Probation

DOCKET ENTRY: (The balance of this form is reserved for notations by court staff.)

(1) <input type="checkbox"/>	Judgment is entered as follows:	(2) <input checked="" type="checkbox"/>	[Other docket entry:]
<p><i>Ordered that the probation of Dept. Harold Gillman is hereby terminated as of this date as satisfactory.</i></p>			
(3) <input checked="" type="checkbox"/>	Filed motion of [use listing in "MOTION" box above]		
(4) <input type="checkbox"/>	Brief in support of motion due _____		
(5) <input type="checkbox"/>	Answer brief to motion due _____ Reply to answer brief due _____		
(6) <input type="checkbox"/>	<input type="checkbox"/> Hearing on _____ set for _____ at _____ <input type="checkbox"/> Ruling		
(7) <input type="checkbox"/>	Status hearing <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re-set for _____ at _____		
(8) <input type="checkbox"/>	Pretrial conference <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re-set for _____ at _____		
(9) <input type="checkbox"/>	Trial <input type="checkbox"/> set for <input type="checkbox"/> re-set for _____ at _____		
(10) <input type="checkbox"/>	<input type="checkbox"/> Bench trial <input type="checkbox"/> Jury trial <input type="checkbox"/> Hearing held and continued to _____ at _____		
(11) <input type="checkbox"/>	This case is dismissed <input type="checkbox"/> without <input type="checkbox"/> with prejudice and without costs <input type="checkbox"/> by agreement <input type="checkbox"/> pursuant to <input type="checkbox"/> FRCP 4(j) (failure to serve) <input type="checkbox"/> General Rule 21 (want of prosecution) <input type="checkbox"/> FRCP 41(a)(1) <input type="checkbox"/> FRCP 41(a)(2)		
(12) <input type="checkbox"/>	[For further detail see <input type="checkbox"/> order on the reverse of <input type="checkbox"/> order attached to the original minute order form.]		
<input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail CIV. 31 form.		4 MAY 6 1988 MAY 6 1988 MAY 6 1988 MAY 6 1988	
COURTROOM deputy's initials 		number of notices date typed envelopes date docketed date mid. notices mailing dpty.	
RECEIVED 80 MAY -5 AM 10:00		Document #	
Date/time received in central Clerk's Office		MAY 6 1988	

STATE OF ILLINOIS

DEPARTMENT OF REGISTRATION AND EDUCATION

DEPARTMENT OF REGISTRATION AND EDUCATION	)	
of the State of Illinois, Complainant	)	
v.	)	No. 85-329-X
HAROLD GILLMAN	)	
License No. 051-021469, Respondent	)	

CONSENT ORDER

The Department of Registration and Education by Jane Mortell, one of its attorneys, and Harold Gillman, Respondent, hereby agree to the following:

STIPULATIONS

Respondent is licensed as a pharmacist in the State of Illinois, holding license No. 051-021469. At all times material to the matter set forth in this Consent Order, such license was in good standing with the Department and in active status, until it was summarily suspended by Order of Gary L. Clayton, Director, Department of Registration and Education, on July 11, 1985. That a hearing on said summary suspension was held on July 23, 1985. After reviewing the transcript and the evidence presented, the Board of Pharmacy recommended that Respondent's pharmacist license remain summarily suspended. On October 11, 1985 the Director adopted the Board of Pharmacy's recommendation and signed an Order which provides that Respondent's license remain summarily suspended.

On or about July 27, 1985, Respondent pled guilty, in federal court, to one felony count of conspiracy and racketeering.

and one felony count of mail fraud, specifically, Counts 2 and 66, in Case No. 84 CR 129-2. In his Plea Agreement, Respondent admits that from 1980 through 1984, he worked as a pharmacist at pharmacies controlled and operated by Jerome Steinborn, Morton Goldsmith, Stuart Glantz and Drug Industry Consultants. Respondent participated in a massive scheme to illegally dispense controlled substances for cash and to generate massive fraudulent billings under the Medicaid Program. As part of said scheme, Respondent knowingly filled medically unnecessary prescriptions, usually Doriden and Codeine based cough syrup, as well as other unnecessary prescriptions items, for drug users and sellers and/or he represented to the Illinois Department of Public Aid that the prescribed items had been provided under the Medicaid Program. Many of the items charged to Medicaid were never dispensed. Respondent caused Warrant No. AC9398411 in the amount of \$8,437.52 to be mailed by the State to Les-On Drugs, 3125 North Lincoln Avenue, Chicago, Illinois 60657, on October 2, 1981. This check was reimbursement for prescription items supposedly dispensed by Respondent under the Medicaid Program pursuant to legitimate prescriptions. The items supposedly dispensed by Respondent were medically unnecessary and often times were not dispensed at all. Respondent kept secretly coded records at various Drug Industry Consultants pharmacies involving illegal sales of Codeine based cough syrup and other abused substances.



In March, 1986, Respondent was sentenced to prison for one year and one day.

Such acts by Respondent, if proven to be true, would constitute grounds for suspending or revoking Respondent's license as a pharmacist, on the authority of Illinois Revised Statutes (1979), as amended, Chapter 111, paragraphs 4019 and 4019(1) and (2).

Respondent admits to the allegations as set forth above.

Respondent has been advised of the right to have the pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any order resulting from a hearing. Respondent knowingly waives each of these rights, as well as waiving any right to administrative review of this Consent Order.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interests of the people of the State of Illinois.

#### CONDITIONS

WHEREFORE, the Department, through Jane Mortell, its attorney, and Respondent agree:

- A. That Respondent's license, No. 051-021469, shall be indefinitely suspended. He may Petition the Board of

Pharmacy for Restoration of his license no sooner than two years from the date that his license was summarily suspended, that is, July 11, 1985, as long as Respondent is no longer incarcerated.

B. At such time as Respondent chooses to petition the Board of Pharmacy for restoration of his license, the Board shall grant him a full hearing, and he must be able to demonstrate, among other things, the following:

1. That he has complied with the statutory continuing education requirements:
2. That he is sufficiently rehabilitated to warrant the public trust.

C. Respondent shall surrender to the Department all current indicia of licensure, including all copies of wall certificates and wallet cards, immediately upon receiving notice that this Consent Order has been approved by the Director of the Department.

D. Any violation by Respondent of the terms and conditions of this Consent Order shall be grounds for the Department to immediately file a Complaint to revoke the Respondent's license to practice as a pharmacist in the State of Illinois.

E. This Consent Order shall become effective on the date that it is approved by the Director of the Department.

DEPARTMENT OF REGISTRATION AND  
EDUCATION of the State of Illinois

7-21-86  
DATE

BY: Jane Mortell  
Jane Mortell  
Attorney for the Department

6/27/86  
DATE

Howard Gillman  
Howard Gillman  
Respondent

7/2/86  
DATE

David Blumenfeld  
David Blumenfeld  
Attorney for the Respondent

7-21-86  
DATE

Sister Margaret Wright  
Sister Margaret Wright,  
Chairperson, Board of Pharmacy  
of the State of Illinois

The foregoing Consent Order is approved in full.

DATED THIS 4<sup>th</sup> day of August, 1986.

DEPARTMENT OF REGISTRATION AND  
EDUCATION of the State of Illinois

Gary L. Clayton  
GARY L. CLAYTON  
DIRECTOR

GLC:JM:kai



STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

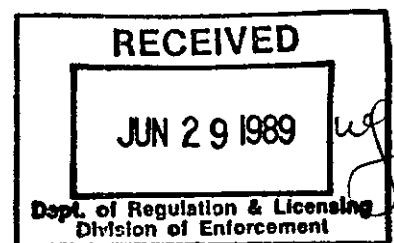
IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

HAROLD GILLMAN, R.Ph.,  
RESPONDENT.

STIPULATION

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into by Harold Gillman, Respondent in the above captioned matter, the Department of Regulation and Licensing, Division of Enforcement by its attorney, Robert T. Ganch, and the Pharmacy Examining Board. Harold Gillman consents to resolution of this matter by Stipulation and without formal hearing.
2. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations by clear, satisfactory and convincing evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own behalf and to compel their attendance by subpoena, the right to testify in his own behalf, the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision, the right to petition for rehearing and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Respondent represents that he is nearing retirement age, that he has suffered some physical infirmity, that he has not ever practiced pharmacy in the State of Wisconsin nor does he intend, at this time, to practice pharmacy in the State of Wisconsin. In consideration of these facts and the resolution of this matter by Stipulation, Respondent chooses not to contest this matter and allows the attached Findings of Fact, Conclusions of Law and Order to be made and entered, hereby tenders the voluntary surrender of his license to practice pharmacy in the State of Wisconsin, and hereby agrees not to apply again for licensure to practice pharmacy in the State of Wisconsin before he has obtained reinstatement of his license to practice pharmacy in the State of Illinois and at least three years have elapsed following such reinstatement during which time he has practiced pharmacy on at least a part-time basis.
4. The Respondent and the attorney for the Complainant agree that this proposed Stipulation and Final Decision and Order may be presented directly to the Pharmacy Examining Board for consideration, with notice to the Hearing Examiner in this matter.



5. The Respondent and the Complainant urge the Pharmacy Examining Board to adopt this Stipulation and the attached Final Decision and Order in this matter.

6. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board, then none of the parties shall be bound by any of the terms and this matter shall be returned to the Hearing Examiner for further proceedings.

7. The attached Findings of Fact, Conclusions of Law, Final Decision and Order may be made and entered in this matter by the Wisconsin Pharmacy Examining Board, without prior notice to any party.

8. All parties agree that the attorney for the Complainant and the Board Advisor appointed in this matter may appear before the Wisconsin Pharmacy Examining Board to argue in favor of acceptance of this Stipulation and the entry of the attached Findings of Fact, Conclusions of Law, Final Decision and Order and further may appear and answer questions of the Board during its deliberation in closed session.

9. That this agreement in no way prejudices the Pharmacy Examining Board from any further action against Respondent based on any acts not stated in the present Findings of Fact which might be violative of the Wisconsin Pharmacy Examining Board Statutes and Rules.

10. That if this Stipulation is adopted by the Wisconsin Pharmacy Examining Board, the attached Order shall become effective as stated in the order.

June 29, 1989

Date

Robert T. Ganch

Robert T. Ganch, Attorney for  
Complainant

June 27, 1989

Date

Harold Gillman

Harold Gillman, Respondent

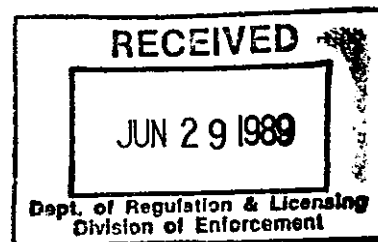
7/11/89

Date

vt R. Schaefer

A Member of the Board

RTG:skv  
DOEATTY-752



## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with State of Wisconsin Pharmacy Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon State of Wisconsin Pharmacy Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: State of Wisconsin Pharmacy Examining Board.

The date of mailing of this decision is July 12, 1989.

WLD:dms  
886-490

**227.49 Petitions for rehearing in contested cases.** (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

**227.52 Judicial review; decisions reviewable.** Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

**227.53 Parties and proceedings for review.** (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties, under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally

disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.